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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,036	05/30/2001	Ken Tamayama	450100-03246	6745
20999	7590	08/01/2005		EXAMINER
FROMMER LAWRENCE & HAUG				TORRES, JUAN A
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NEW YORK, NY 10151			ART UNIT	PAPER NUMBER
			2631	

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/870,036	TAMAYAMA ET AL.
	Examiner	Art Unit
	Juan A. Torres	2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 19 July 2005.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-5 and 7-11 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-5 and 7-11 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

The modifications to the specification were received on 07/19/2005. These modifications are accepted by the Examiner.

### *Response to Arguments*

Applicant's arguments filed on 07/19/2005 have been fully considered but they are not persuasive.

The Applicant contends, "

Applicants respectfully submit that Shigihara fails to disclose or suggest that individual information contained in said transport stream is sequentially accumulated into said storing means on the basis of a result of extraction by said extraction means; and said transmitting means transmits said control signal to said given circuit when a capacity of said storing means exceeds a given value, as recited in claim 1. Indeed, Applicants submit that the disclosure of a timer, as described in Shigihara does not teach or suggest the storage means recite in claim 1. (See column 13, lines 51-67 of Shigihara").

The Examiner disagrees and asserts, that, as indicated in the previous Office Action, Shigihara discloses that the individual information contained in the transport stream is accumulated into the storing means one after another on the basis of a result of extraction by the extracting means (figure 18 block S113 column 13 lines 55-59); and the transmitting means transmits the control signal to the given circuit when a capacity of the storing means exceeds a given value (figure 18 block S114 column 13 lines 62-

67). Shigihara discloses a timer that stores sequential information (figure 18 block S113 column 13 lines 55-59) to know if an overflow have been reached (figure 18 block S114 column 13 lines 62-67). Shigihara specifically discloses the overflow that means that the maximum capacity has been reached. For these reasons and the reasons indicated in the previous Office Action the rejections of claims 1-5 and 7-11 are maintained.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5 and 7-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Shigihara (US 6067121).

As per claims 1 and 7 Shigihara discloses a receiving method and apparatus for receiving a transport stream transmitted comprising: receiving means for receiving said transport stream (figure 16 blocks 21 and 22, column 12 line 35-39); extracting means for extracting a given transport-stream packet from said transport stream received by said receiving means (figure 16 block 26, figure 27 block 210d, column 12 line 46-48); storing means for storing individual information contained in said transport stream on the basis of a result of extraction by said extracting means (figure 16 block 28, column 16 line 10-14); transmitting means for transmitting a control signal so as to supply power

to a given circuit when said individual information is stored in said storing means (figure 16 block 34, column 13 line 13-15); and control means for controlling supply of power to said given circuit according to said control signal transmitted by said transmitting means (figure 16 block 28, column 12 line 48-50); where the individual information contained in the transport stream is accumulated into the storing means one after another on the basis of a result of extraction by the extracting means (figure 18 block S113 column 13 lines 55-59); and the transmitting means transmits the control signal to the given circuit when a capacity of the storing means exceeds a given value (figure 18 block S114 column 13 lines 62-67).

As per claims 2 and 8 Shighara discloses means for determining a kind of control signal transmitted by the transmitting means (figure 16 block 28, column 13 line 50-59).

As per claims 3 and 9 Shighara discloses circuit that performs processing corresponding to the individual information stored in the storing means (figure 16 block 28, column 13 line 50-59).

As per claims 4 and 10 Shighara discloses extraction of transport stream packet whose destination is that on the receiving side from the transport stream (figure 7b, figure 16 block 26, column 12 line 46-50).

As per claims 5 and 11 Shighara discloses extraction of transport stream packet whose destination is that on the receiving side from a packet ID (figure 7b, column 8 lines 30-35).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yarita (JP 11-298351) in view of Shigihara (US 6067121).

As per claims 1 and 7 Yarita discloses a receiving method and apparatus for receiving a transport stream transmitted comprising: receiving means for receiving said transport stream (figure 3 antenna); extracting means for extracting a given transport-stream packet from said transport stream received by said receiving means (figure 3 block 14 CPU section means paragraph [0011]); storing means for storing individual information contained in said transport stream on the basis of a result of extraction by said extracting means (figure 3 block 14 CPU section means paragraph [0011]); transmitting means for transmitting a control signal so as to supply power to a given circuit when said individual information is stored in said storing means (figure 3 block 16 CPU section means paragraph [0011]); and control means for controlling supply of power to said given circuit according to said control signal transmitted by said transmitting means (figure 3 block 17 section means paragraph [0011]). Yarita doesn't discloses that the individual information contained in the transport stream is accumulated into the storing means one after another on the basis of a result of extraction by the extracting means, and the transmitting means transmits the control

signal to the given circuit when a capacity of the storing means exceeds a given value. Shigihara discloses that the individual information contained in the transport stream is accumulated into the storing means one after another on the basis of a result of extraction by the extracting means (figure 18 block S113 column 13 lines 55-59); and the transmitting means transmits the control signal to the given circuit when a capacity of the storing means exceeds a given value (figure 18 block S114 column 13 lines 62-67). Yarita and Shigihara are analogous art because they are from the same field of endeavor. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the overflow control disclosed by Shigihara with the receiver disclosed by Yarita. The suggestion/motivation for doing so would have been to allow the system to operate in several channels (Shigihara (figure 18 block S114 column 13 lines 62-67). Therefore, it would have been obvious to combine Yarita and Shigihara to obtain the invention as specified in claims 1 and 7.

As per claims 2 and 8 Yarita and Shigihara disclose claims 1 and 7. Yarita also discloses means for determining a kind of control signal transmitted by the transmitting means (figure 3 block 17 section means paragraph [0011]). Yarita and Shigihara are analogous art because they are from the same field of endeavor. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the overflow control disclosed by Shigihara with the receiver disclosed by Yarita. The suggestion/motivation for doing so would have been to allow the system to operate in several channels (Shigihara (figure 18 block S114 column 13 lines 62-67).

Therefore, it would have been obvious to combine Yarita and Shigihara to obtain the invention as specified in claims 2 and 8.

As per claims 3 and 9 Yarita and Shigihara disclose claims 1 and 7. Yarita also discloses circuit that performs processing corresponding to the individual information stored in the storing means (figure 3 block 14 CPU section means paragraph [0011]). Yarita and Shigihara are analogous art because they are from the same field of endeavor. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the overflow control disclosed by Shigihara with the receiver disclosed by Yarita. The suggestion/motivation for doing so would have been to allow the system to operate in several channels (Shigihara (figure 18 block S114 column 13 lines 62-67). Therefore, it would have been obvious to combine Yarita and Shigihara to obtain the invention as specified in claims 3 and 9.

As per claims 4 and 10 Yarita and Shigihara disclose claims 1 and 7. Yarita also discloses extraction of transport stream packet whose destination is that on the receiving side from the transport stream (figure 3 block 13 section means paragraph [0011]). Yarita and Shigihara are analogous art because they are from the same field of endeavor. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the overflow control disclosed by Shigihara with the receiver disclosed by Yarita. The suggestion/motivation for doing so would have been to allow the system to operate in several channels (Shigihara (figure 18 block S114 column 13 lines 62-67). Therefore, it would have been obvious to combine Yarita and Shigihara to obtain the invention as specified in claims 4 and 10.

As per claims 5 and 11 Yarita and Shigihara disclose claims 4 and 10. Yarita also discloses extraction of transport stream packet whose destination is that on the receiving side from a packet ID (figure 5 block 41 section means paragraph [0013]). Yarita and Shigihara are analogous art because they are from the same field of endeavor. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the overflow control disclosed by Shigihara with the receiver disclosed by Yarita. The suggestion/motivation for doing so would have been to allow the system to operate in several channels (Shigihara (figure 18 block S114 column 13 lines 62-67). Therefore, it would have been obvious to combine Yarita and Shigihara to obtain the invention as specified in claims 5 and 11.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juan A. Torres whose telephone number is (571) 272-3119. The examiner can normally be reached on Monday-Friday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H. Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Juan Alberto Torres  
07-20-2005

  
KEVIN BURD  
PRIMARY EXAMINER